

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN


December 14, 2004 at 1:30 p.m.

FC – MATILIJA DAM

Public Hearing and Approval of Matilija Dam Ecosystem Restoration Feasibility Study Final Environmental Impact Statement/Environmental Impact Report and Matilija Dam Ecosystem Restoration Project; Project No. 81913, Supervisorial Districts 1 and 3, Zone 1. (Public Works Agency – Watershed Protection District – 1½ hour)

FINAL ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT ON FILE WITH THE CLERK OF THE BOARD

- (X) All board members are present.
- (X) The following persons are heard: Jeff Pratt, Rae Hanstad, Robert Auric, Russell McGlothlin, Karen Thornton, Emily Thacher, Lindsay Nielson, Paul Jenkin, and David Pritchett.
- (X) The following document is submitted to the Board for consideration:
(X) Matilija Dam Ecosystem Restoration Project Power Point Presentation by Jeff Pratt
- (X) The Board holds a public hearing.
- () Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the attached staff recommendation(s).
- (X) Upon motion of Supervisor Bennett, seconded by Supervisor Flynn, and duly carried, the Board hereby approves the staff recommendations as stated in the respective Board letter with the following modification: The Board conceptually supports mitigating any new significant impacts that are found in the future; supports cooperatively pursuing funding for Ojai Valley water supply enhancement projects, both through the Countywide Integrated Water Management Plan and on an individual project basis; and supports continued discussions with Ojai Valley water agencies to advance the above two objectives.

By: 
Deputy Clerk of the Board

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.

JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board



VENTURA COUNTY

PUBLIC WORKS AGENCY
RONALD C. COONS
Agency Director

WATERSHED PROTECTION DISTRICT

December 14, 2004

Board of Supervisors
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

Jeff Pratt
District Director

Lawrence Jackson
Water Quality/Environmental

Peter Sheydayi
Design/Construction

Sergio Vargas
Planning/Regulatory

Tom Lagier
Operations/Maintenance

Lowell Preston, Ph.D.
Water Resources Division

Subject: MATILIJA DAM ECOSYSTEM RESTORATION FEASIBILITY STUDY
FINAL ENVIRONMENTAL IMPACT REPORT & MATILIJA DAM
ECOSYSTEM RESTORATION PROJECT APPROVAL
PROJECT NO. 81913
SUPERVISORIAL DISTRICTS 1 AND 3, ZONE 1

Recommendations:

1. Certify that your Board:
 - a) Has reviewed and considered the information contained in the Matilija Dam Ecosystem Restoration Feasibility Study Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) (Attachment 1, on file with Clerk of the Board).
 - b) Has determined that the Final EIS/EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.
 - c) Has determined that the Final EIS/EIR reflects the independent analysis and judgment of your Board.
2. Incorporate all of the Final EIS/EIR recommended mitigation measures and conditions into the proposed project as conditions of approval and approve the proposed Matilija Dam Ecosystem Restoration Project (as mitigated) as the approved project.
3. Approve and adopt the attached Findings and Statement of Facts (Attachment 2).
4. Approve, adopt, and sign the attached resolution adopting a Statement of Overriding Considerations as required by CEQA (Attachment 3).

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5. Approve and adopt the Mitigation Monitoring Plan located in Appendix A of the Final EIS/EIR.
6. Authorize and direct the Director of the Watershed Protection District to sign the Notice of Determination and file it with the County Clerk within five working days of your Board's action.
7. Designate the Clerk of the Board of Supervisors and the Director of Ventura County Watershed Protection District, at 800 South Victoria Avenue, Ventura, California, as the custodians and location of the record of proceedings upon which the decision is based.
8. Direct the Director of the Watershed Protection District to take all actions necessary to carry out the approved project.

Fiscal/Mandates Impact

There is no fiscal impact associated with certification of the Final EIS/EIR. However, there will be fiscal impacts associated with implementation of the proposed ecosystem restoration project, including the deconstruction of Matilija Dam; an award of contract would be presented to your Board for approval prior to incurring any of these costs.

Dam deconstruction and ecosystem restoration is estimated to cost approximately \$130 million, including contingencies, with a federal contribution of \$79 million and a non-federal contribution of \$51 million. The Ventura County Watershed Protection District, through the County's 2005 Legislative Agenda and Platform, will be seeking Congressional authorization for the entire project and requesting a federal appropriation to begin the first phase of the project. The Ventura County Watershed Protection District will also coordinate all efforts to secure the necessary non-federal share of funding for this project through the County's legislative program.

Of the estimated \$130 million cost, approximately \$38 million would be spent during the Preconstruction Engineering and Design phase of the project, which is estimated to occur during the calendar years 2005 through 2007. During this phase, the Corps and the Ventura County Watershed Protection District would develop detailed construction plans and specifications for all aspects of the proposed ecosystem restoration project, ensuring that all environmental and public impacts are minimized through design.

Approximately \$83 million would be spent during the three-year Project Implementation phase of the project, beginning in the calendar year 2008. Downstream flood protection activities, slurry of the reservoir fines, and grading and stabilization of the new stream channel would be conducted prior to the complete removal of Matilija Dam.

Approximately \$9 million would be spent during the Monitoring and Adaptive Management phase of the project, which would occur post-construction and continue for up to ten or more years until performance goals are met.

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Discussion:

The Ventura County Watershed Protection District, in partnership with the U.S. Army Corps of Engineers (Corps), has prepared the final Matilija Dam Ecosystem Restoration Feasibility Study. The study identifies project components that, when implemented, would result in ecosystem restoration in the Ventura River watershed to benefit native fish and wildlife (including the federally listed endangered steelhead trout), improve the natural hydrological and sediment transport regime to support coastal beach sand replenishment, and provide for additional recreation opportunities.

Participants in the Matilija Dam Ecosystem Restoration Feasibility Study include eight federal agencies, three state agencies, five Ventura County agencies, four cities, two universities, and fourteen other local and interested groups. From the beginning of the study, members of each group engaged in meetings, field trips, technical analyses, and contributed to the refinement and selection of project alternatives and subsequent environmental evaluation.

Many alternatives were evaluated during the Plan Formulation Phase of the study, four of which (three with two sub-alternatives) were carried forward into the NEPA/CEQA process. All project alternatives propose to remove Matilija Dam, but they differ in how the accumulated sediment behind the dam would be handled. After weighing the potential impacts and benefits of each alternative, Alternative 4b, Full Dam Removal/Long-Term Sediment Transport – Short-Term Transport Period, was chosen by the Plan Formulation Group as the proposed project. This alternative maximizes ecosystem restoration goals while minimizing environmental impacts.

Analyses of the potential impacts of the proposed project and the project alternatives are presented in the Final EIS/EIR. This document combines both the National Environmental Policy Act (NEPA) requirements for federally sponsored projects and the California Environmental Quality Act (CEQA) for state and local projects. The District, as lead agency under the CEQA, will act on the Final EIR, with your Board serving as the decision making body for final approval and certification. The Corps, as lead agency under the NEPA, will act separately on the Final EIS.

Matilija Dam is a concrete arch structure located about 16 miles from the Pacific Ocean, just over one-half mile from the Matilija Creek confluence with the Ventura River in western Ventura County, northwest of Meiners Oaks. The study area includes approximately 2,000 acres along Matilija Creek and the Ventura River mainstem, encompassing unincorporated areas of western Ventura County, the Cities of Ojai and San Buenaventura, and the Los Padres National Forest. A primary ecosystem restoration component of the proposed project is the removal of Matilija Dam thereby eliminating a barrier to fish passage on Matilija Creek to facilitate the migration, spawning, and rearing of endangered southern steelhead.

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The proposed project would also reconfigure accumulated sediment trapped behind the dam to improve the Matilija Creek flow regime and ultimately restore Matilija Creek and the Ventura River to a more natural streambed configuration by gradually releasing sediments. Due to the increased risk of flooding associated with dam removal, flood protection measures, such as levees and bridge improvements, are included in the proposed action. Matilija Dam currently provides no flood protection, but additional sediment loading and aggradation of scoured portions of the river bottom constitute physical changes resulting in potentially significant impacts that must be mitigated. Additional project components would provide opportunities for recreation and riparian habitat restoration.

The EIS/EIR addresses potentially adverse impacts to biological, aesthetic, air quality, noise, transportation, and recreation effects on the environment, which cannot be reduced to less than significant levels despite imposing all feasible mitigation measures, as identified in the Final EIS/EIR. However, incorporation of other identified mitigation measures would eliminate or substantially lessen all the mitigable significant effects on the environment of the proposed project, including earth resources, biological resources, cultural resources, aesthetics, air quality, noise, socioeconomics, transportation, land use, and recreation. The Mitigation Monitoring Plan (equivalent to the Mitigation, Monitoring and Reporting Plan) detailing these mitigation measures can be found in Appendix A of the Final EIS/EIR.

Pursuant to the Administrative Supplement to the State CEQA Guidelines, a public review period was established from July 16, 2004 through August 30, 2004; a public notice was published in the Ventura County Star on July 19, July 22, and July 25, 2004, and in the Ojai Valley News on July 21 and July 23, 2004. A copy of the notice and the draft EIS/EIR was mailed to Responsible, Trustee and Affected Agencies, and appropriate federal agencies. In addition, copies of the public notice were mailed to all owners of property within 500 feet of the 100-year floodplain of the Ventura River within the project study area and all cities and counties adjacent to the unincorporated area of Ventura County.

The U.S. Army Corps of Engineers and the Ventura County Watershed Protection District accepted written comments on the draft EIS/EIR during the public review period. These comments and responses to comments are provided in Section 3 of the Final EIS/EIR.

A public meeting of the Ventura County Environmental Report Review Committee (ERRC) was held on October 13 and October 20, 2004. At this time, the ERRC members reviewed the document for technical adequacy in relation to CEQA and found that the document was completed in compliance with CEQA and is technically adequate; a motion recommending that the Board of Supervisors certify the document was also approved.

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The Final EIS/EIR is being transmitted to your Board pursuant to Section 7 of the Administrative Supplement to the State CEQA Guidelines. The Ventura County Watershed Protection District recommends certification of the EIR, adoption of the proposed findings and statement of overriding considerations, and approval of the proposed project with the recommended mitigation measures.

This letter has been reviewed by the Auditor-Controller, County Executive Office and County Counsel.

If you have any questions regarding this item, please contact the undersigned at 654-2040.



JEFF PRATT
District Director

- Attachments:
1. Final Environmental Impact Statement/Environmental Impact Report
(on file with Clerk of the Board)
 2. Findings and Statements of Facts
 3. Resolution Adopting Statement of Overriding Considerations

**A RESOLUTION
OF THE BOARD OF SUPERVISORS
OF THE VENTURA COUNTY WATERSHED PROTECTION DISTRICT
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
ADVERSE ENVIRONMENTAL EFFECTS ASSOCIATED WITH CERTIFICATION OF
THE FINAL EIS/EIR FOR THE MATILIJA DAM ECOSYSTEM RESTORATION
FEASIBILITY STUDY AND THE APPROVAL OF THE
MATILIJA DAM ECOSYSTEM RESTORATION PROJECT**

WHEREAS, the Board reviewed and considered the information contained in the Final Environmental Impact Statement/ Environmental Impact Report (Final EIS/EIR) for the Matilija Dam Ecosystem Restoration Feasibility Study and certified said Final EIS/EIR on (December 14, 2004); and

WHEREAS, on (December 14, 2004), the Board approved the Matilija Dam Ecosystem Restoration Project (Approved Project); and

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE VENTURA COUNTY WATERSHED PROTECTION DISTRICT HEREBY RESOLVES THAT:

1. The Board finds that the Approved Project as described in the Final EIS/EIR could have significant biological, aesthetic, air quality, noise, transportation, and recreation effects on the environment, which cannot be reduced to less than significant levels despite imposing all feasible mitigation measures, as identified in the Final EIS/EIR.
2. The Board finds that the Approved Project, with the mitigation measures and project conditions incorporated into its approval, implements all feasible mitigation measures identified in the Final EIS/EIR, and the project with the mitigation measures incorporated by the Board would eliminate or substantially lessen all the mitigable significant effects on the environment described in the Final EIS/EIR; and
3. The Board finds that there are overriding considerations which outweigh and make acceptable the unavoidable significant biological, aesthetic, air quality, noise, transportation, and recreation impacts associated with the Approved Project, including the following beneficial effects:

Beneficial Effects on Biological Resources

- Native revegetation of the appropriate project impact areas would ultimately restore quality upland and riparian habitat and eventually lead to recruitment of native wildlife species along Matilija Creek. The benefits that would occur over time in this area, including the removal of non-native plant and animal species and a return to natural stream dynamics, would

Additional Beneficial Effects:

- Removal of the Matilija Dam would restore the natural sediment transport regime of Matilija Creek and the Ventura River, thereby improving downstream coastal beach sand replenishment, and replenishment of sediment to scoured areas in the Ventura River.
- The Approved Project would beneficially impact the local economy for the two-year duration of the project by employing local workers, and with use of native plant nurseries for vegetation restoration materials.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of the Ventura County Watershed Protection District hereby adopts this Resolution as its Statement of Overriding Considerations for its decision to approve the Matilija Dam Ecosystem Restoration Project in that the beneficial effects listed herein outweigh the unavoidable adverse environmental effects described in the Final EIS/EIR.

Adopted on December 14, 2004.






Chair, Board of Supervisors
Ventura County Watershed Protection District

ATTEST:

JOHN F. JOHNSTON
Clerk of the District Board
Ventura County Watershed Protection District
State of California

By 

Deputy Clerk of the Board

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